

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No.: 04-10219-JLT
)	
EMMANUEL LEE)	

JOINT MEMORANDUM REGARDING INITIAL STATUS CONFERENCE

The parties through counsel, file this Joint Memorandum addressing the items set forth in Local Rule 116.5(A)(1) through (A)(7).

1. The government has provided automatic discovery in this case including the, laboratory reports, and most of the Jencks materials. The defendant has requested clarification as to the timing of certain events leading up to the search and seizure, as well as the defendant's statement. The government needs additional time to gather this information. The government believes that it has satisfied its current discovery obligations. The defendant has not filed any discovery motions at this time.

2. The government has not provided discovery regarding expert witnesses, but will do so in a timely fashion. The defendant has not provided any reciprocal expert discovery.

3. At this point the parties do not anticipate providing additional discovery as a result of its future receipt of

information, documents, or reports of examinations or tests.

4. The parties believe that a motion date should be established under Fed. R. Crim. P. 12(c).

6. Because of the additional time required for defense counsel to study the discovery provided, it is difficult to fairly predict whether this case will proceed to trial. If there is a trial, the parties anticipate that it will last approximately one week.

7. The parties request that the time from September 23, 2004, the date of the court's prior ruling on excludable delay to this date, October 25, 2004 be excluded under the Speedy Trial Act.

8. The parties request a date in early December for an Interim Status Conference. The parties agree that the time from the Initial Status Conference, October 25, 2004 to the Interim Status Conference should be excluded under the Speedy Trial Act.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: s/ Glenn A. MacKinlay
GLENN A. MACKINLAY
Assistant U.S. Attorney

By: s/ James H. Budreau
JAMES H. BUDREAU, Esq.
Attorney for the Defendant

